

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AYAL ROSENTHAL,

Plaintiff,

-v-

NEW YORK UNIVERSITY, NEW YORK  
UNIVERSITY LEONARD N. STERN SCHOOL  
OF BUSINESS, THOMAS F. COOLEY,  
Richard R. West Dean of the Leonard N. Stern  
School of Business, and MELCHIOR OCHOA,

Defendants.  
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08 Civ. 5338 (LAK)  
ECF Case

**STIPULATION AND ORDER**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED #: 6/15/10

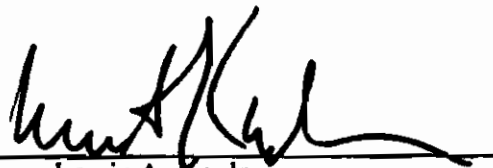
LEWIS A. KAPLAN, *District Judge.*

**IT IS HEREBY STIPULATED AND AGREED as follows:**

1. This action will be tried by the Court without a jury on a stipulated record without the taking of any oral testimony.
2. The record shall consist of the pretrial order, the exhibits and depositions excerpts listed therein, the papers currently before the Court on the motion for summary judgment, and any deposition designations and counter-designations the parties may exchange on June 18 and 25, 2010, respectively.
3. After hearing argument on \_\_\_\_\_ at \_\_\_\_\_.m. or such other date as may be fixed, the Court shall decide the case on the stipulated record, taking into account and, to the extent they are material, ruling on the objections to evidence set forth in the pretrial order. It will make findings of fact and conclusions of law which shall have the same force and effect as if they had been made after the taking of oral testimony.

**SO ORDERED.**

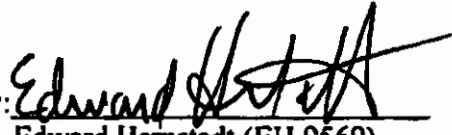
Dated: June 3, 2010  
New York, New York


  
\_\_\_\_\_  
Lewis A. Kaplan  
United States District Judge

AGREED AND CONSENTED TO:

HERNSTADT ATLAS LLP

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OF LEGAL COUNSEL

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University, New York University  
Stern School of Business, Thomas F.  
Cooley and Melchior Ochoa